

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2007 Legislative Session**

**Legislative Day No.  
1 January 2, 2007**

**HOWARD COUNTY TO WIT:**

The Chairman called the session to order at 7:30 p.m.

Calvin Ball, Chairperson; Courtney Watson, Vice Chairperson; Greg Fox, Council Member; Mary Kay Sigaty, Council Member; and Jen Terrasa, Council Member, were present.

Sheila Tolliver; Administrator to the County Council; Lynne Robeson, Office of Law; and Jennifer Sager, Legislative Coordinator, were also present.

**APPROVE JOURNAL**

The Chairperson moved to adopt the journals for Legislative Days No.13, October 3, 2006; No.14, October 30, 2006; and No.15, December 4, 2006. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson to approve the journals was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

The journals were approved.

**APPROVE MINUTES**

The Chairperson moved to approve the minutes of the following Council meetings: Public Hearing, December 18, 2006; Work Session, December 26, 2006; and Confidential Minutes for Closed Meetings on December 18, December 26 and December 28, 2006. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson to approve the minutes was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The minutes were approved.

## **SUSPEND THE RULES**

Council Resolution No. 6-2007 – By the Chairperson - Appointing Kevin Doyle to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2009.

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Council Resolution No. 7-2007 – By the Chairperson - A RESOLUTION appointing James D. Walsh to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2011.

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The Chairperson moved to suspend the rules to allow the introduction of Council Resolution No. 6-2007 and Council Resolution No. 7-2007 that were not prefiled. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

The motion to suspend the rules passed.

## **INTRODUCTION OF LEGISLATION**

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

### **Appointments**

Council Resolution No. 1-2007 – Confirming the appointment of Serena Mann as Cable Administrator

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A RESOLUTION confirming the appointment of Serena Mann as Cable Administrator.

Council Resolution No. 2-2007 – Confirming the appointment of James A. McQuarrie to the Alcoholic Beverage Hearing Board

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A RESOLUTION confirming the appointment of James A. McQuarrie to the Alcoholic Beverage Hearing Board.

Council Resolution No. 6-2007 – By the Chairperson - Appointing Kevin Doyle to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2009.

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A RESOLUTION appointing Kevin Doyle to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2009.

Council Resolution No. 7-2007 – By the Chairperson - A RESOLUTION appointing James D. Walsh to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2011.

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A RESOLUTION appointing James D. Walsh to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2011.

**Financial**

Council Bill No. 1-2007 – Supplementing Council Bill No. 34-2006, which provided for the issuance of the County's Consolidated Public Improvement Bonds and/or Metropolitan District Bonds in the initial aggregate principal amount of \$101,525,000 to provide funds to pay the County's Consolidated Public Improvement Commercial Paper Bond Anticipation Notes, Series D (the "Notes"), in order to provide for the issuance of an additional \$150,000,000 of such Bonds in order to provide funds to pay \$150,000,000 of additional Notes, and for related purposes

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AN ORDINANCE supplementing Council Bill No. 34-2006, which provided for the issuance of the County's Consolidated Public Improvement Bonds and/or Metropolitan District Bonds in the initial aggregate principal amount of \$101,525,000 to provide funds to pay the County's Consolidated Public Improvement Commercial Paper Bond Anticipation Notes, Series D (the "Notes"), in order to provide for the issuance of an additional \$150,000,000 of such Bonds in order to provide funds to pay \$150,000,000 of additional Notes, and for related purposes; and providing for and determining various matters in connection therewith

Council Bill No. 2-2007 – Supplementing Council Bill No. 35-2006, which provided for the issuance and reissuance of the County's Consolidated Public Improvement Commercial Paper Bond Anticipation Notes, Series D (the "Notes") in order to provide for the issuance of an additional \$150,000,000 of the Notes, for the disbursement of the proceeds of such additional Notes, for increases in the maximum aggregate amount of outstanding advances under the Credit Agreement with State Street Bank and Trust Company relating to the Notes, and for related purposes

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AN ORDINANCE supplementing Council Bill No. 35-2006, which provided for the issuance and reissuance of the County's Consolidated Public Improvement Commercial Paper Bond Anticipation Notes, Series D (the "Notes") in order to provide for the issuance of an additional \$150,000,000 of the Notes, for the disbursement of the proceeds of such additional Notes, for increases in the maximum aggregate amount of outstanding advances under the Credit Agreement with State Street Bank and Trust Company relating to the Notes, and for related purposes; and providing for and determining various matters in connection therewith.

Council Bill No. 3-2007 – Providing for the issuance of \$100,000,000 "Howard County, Maryland Consolidated Public Improvement Bonds, 2007 Series A" and \$10,000,000 "Howard County, Maryland Metropolitan District Bonds, 2007 Series A", pursuant to various bond enabling laws; prescribing the forms of such bonds, the annual principal installments and various details incident to the sale thereof; providing that such bonds shall be general obligations of the County; providing for the disbursement of the proceeds of such bonds and for the levying of taxes to pay debt service on such bonds; providing for and determining various matters in connection therewith; and providing that this Ordinance shall be supplemental to Council Bills Nos. 34-2006 and 35-2006, as heretofore supplemented

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AN ORDINANCE providing for the issuance of \$100,000,000 "Howard County, Maryland Consolidated Public Improvement Bonds, 2007 Series A" and \$10,000,000 "Howard County, Maryland Metropolitan District Bonds, 2007 Series A", pursuant to various bond enabling laws; prescribing the forms of such bonds, the annual principal installments and various details incident to the sale thereof; providing that such bonds shall be general obligations of the County; providing for the disbursement of the proceeds of such bonds and for the levying of taxes to pay debt service on such bonds; providing for and determining various matters in connection therewith; and providing that this Ordinance shall be supplemental to Council Bills Nos. 34-2006 and 35-2006, as heretofore supplemented.

### **General**

Council Resolution No. 3-2007 – Pursuant to Section 4.201 of the Howard County Code declaring that a sewer and utility easement consisting of 0.18 acres owned by Howard County, MD and located across property known as Parcel 821 on Tax Map 24 in the Second Election District of Howard County, MD is no longer needed by the County for public purposes; authorizing the County Executive to terminate the easement interest, vesting title to the fee simple owner, Williamsburg Group, L.L.C.; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to terminate the easement if he finds that it may have a further public use and submits his finding to the County Council for its consideration

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Council Resolution No. 4-2007 – Pursuant to Section 16.301 of the Howard County Code granting a variance from the structure and use setback requirements at the new elementary school to be located on Montgomery Road in Ellicott City

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A RESOLUTION pursuant to Section 16.301 of the Howard County Code granting a variance from the structure and use setback requirements at the new elementary school to be located on Montgomery Road in Ellicott City.

Council Bill No. 4-2007 – Introduced by Courtney Watson/Co-sponsored by Calvin Ball, Greg Fox - Amending Subtitle 1 “Subdivision and Land Development Regulations” of Title 16 “Planning, Zoning and Subdivisions and Land Development Regulations” of the Howard County Code to require that pre-submission community meetings required for residential subdivision applications in the County be held in public or institutional buildings within a five mile radius of the subdivision site

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An Act amending Subtitle 1 “Subdivision and Land Development Regulations” of Title 16 “Planning, Zoning and Subdivisions and Land Development Regulations” of the Howard County Code to require that pre-submission community meetings required for residential subdivision applications in the County be held in public or institutional buildings within a five mile radius of the subdivision site.

Council Resolution No. 5-2007 – Introduced by Chair - Calling the County Council of Howard County, Maryland into legislative session on February 27, 2007

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A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on February 27, 2007.

### **SUSPEND THE RULES**

The Chairperson moved to suspend the rules to allow the introduction of Amendment No. 5 to Council Resolution No. 145-2006 that was not prefiled. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

The motion to suspend the rules passed.

### **FINAL CONSIDERATION**

The Chairperson moved to adopt the following legislation:

Council Resolution No. 145-2006 – By Calvin Ball – Calling for a task force to study the tax credit enacted by Council Bill 68-2006 and advise the County Council; calling for certain membership, officers, staff, duties, and lifespan

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The Chairperson moved to adopt Council Resolution No. 145-2006. His motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment No. 1 to Council Resolution No. 145-2006 as follows: *(This amendment alters the membership of the task force.)*

On page 2, strike lines 22 and 23 in their entirety and substitute:

“(4) The following entities are requested to name one member each:

- (i) The Howard County Citizens Association;
- (ii) The Howard County Economic Development Authority;
- (iii) The Association of Community Services; and
- (iv) The League of Women Voters of Howard County.”

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His motion was seconded by Mr. Fox.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 1 to Council Resolution No. 145-2006 as follows: *(This amendment alters the membership of the task force.)*

At the end of line 5, strike “and” and after “County” in line 6 of the amendment, add

“(v) the Howard County Taxpayers Association; and  
(vi) the Maryland chapter of the AARP, who will name a Howard County  
resident.”

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His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 1 to Amendment No. 1 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson  
Amendment No. 1 to Amendment No. 1 to Council Resolution No. 145-2006 passed.

The roll call vote called by the Chairperson on the amendment as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson  
Amendment No. 1 to Council Resolution No. 145-2006 passed as amended.

The Chairperson moved to adopt Amendment No. 3 to Council Resolution No. 145-2006 as follows: *(This amendment changes the deadline for the task force’s report.)*

On page 3, in line 16, strike “March 2” and substitute “February 22”.

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His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 3 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson  
Amendment No. 3 to Council Resolution No. 145-2006 passed.

The Chairperson moved to adopt Amendment No. 4 to Council Resolution No. 145-2006 as follows: *This amendment would change the start date for the task force in the resolution).*

On page 3, in line 19, after “January”, strike “19” and insert “3”.

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His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment No. 4 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson  
Amendment No. 4 to Council Resolution No. 145-2006 passed.

The Chairperson moved to adopt Amendment No. 5 to Council Resolution No. 145-2006 as follows: *(This amendment alters the duties and lifespan of the task force.)*

On page 3, in line 10, strike “evaluate” and substitute “prepare an interim report and a final report that evaluate”.

Also on page 3, in line 10, after “plans” insert “, budget, and revenues. The task force is encouraged to set aside time to take comments from the public”.

Also on page 3, in line 12, after “(h)” insert “In an interim report, the task force shall recommend any changes to the income qualification for the tax credit and to the amount of the credit, as they deem appropriate.”.

Also on page 3, in line 12, after “recommendations” insert “in an interim report and a final report”.

Also on page 3, in line 13, after “Bill” insert “, the County budget, and the needs of seniors in the County”

Also on page 3, in line 15, after “should” insert “present its preliminary findings in an oral presentation to the County Council on or before February 15, 2007, and, in a written interim report.”.

Also on page 3, in line 18, strike “should begin meeting” and substitute “shall begin operating”.

Also on page 3, after line 16, insert “(j) The task force shall study participation rates and fiscal impacts of the credit during its first year. The task force shall monitor changes to State law that relate to senior tax policy and review similar credits in other Maryland counties. After soliciting diverse viewpoints and hearing from the public, the task force shall incorporate this additional information in a final report. The task force shall make a preliminary final oral report to the Council on or before November 14, 2007, and shall submit to the Council a written final report on or before November 21, 2007.”.

Also on page 3, in line 22, before “report” insert “written final”.

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His motion was seconded by Mr. Fox.

The roll call vote called by the Chairperson on Amendment No. 5 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Amendment No. 5 to Council Resolution No. 145-2006 passed.

The roll call vote called by the Chairperson on the resolution as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

Council Resolution No. 145-2006 passed as amended.

Council Resolution No. 128-2006 – Confirming the appointment of Cabell Greenwood to the Planning Board *(Tabled 10/30/06)*

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Ms. Sigaty moved to remove Council Resolution No. 128-2006 from the table. Her motion was seconded by Mr. Ball.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

The motion to remove Council Resolution No. 128-2006 from the table passed.

The Chairperson moved to withdraw Council Resolution No. 128-2006. His motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

The motion to withdraw Council Resolution No. 128-2006 passed.

## **ADJOURNMENT**

The Chairperson adjourned the legislative session at 7:40 p.m.

## **CLOSED MEETINGS**

### **December 18, 2006**

The County Council met in closed session at 8:10 p.m. on December 18, 2006 as provided in the Annotated Code of Maryland, State Government Article, Section §10-508(a)(1) which permits closed sessions to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom the Board or Commission has jurisdiction.

Topics discussed during the closed session included specific individuals in the positions of Administrator, Board of Appeals, Auditor, and Hearing Examiner.

The motion to close the session was made by Council Chairman Calvin Ball. His motion was seconded by Courtney Watson.

The roll call vote called on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

The motion to conduct the closed meeting passed.

### **December 26, 2006**

The County Council met in closed session at 5:30 p.m. on December 26, 2006 as provided in the Annotated Code of Maryland, State Government Article, Section §10-508(a)(1) which permits closed sessions to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom the Board or Commission has jurisdiction.



Topics discussed during the closed session included specific individuals in the positions of Administrator, Board of Appeals, Auditor, and Hearing Examiner.

The motion to close the session was made by Council Chairman Calvin Ball. His motion was seconded by Courtney Watson.

The roll call vote called on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

The motion to conduct the closed meeting passed.

#### December 28, 2006

The County Council met in closed session at 4:30 p.m. on December 28, 2006 as provided in the Annotated Code of Maryland, State Government Article, Section §10-508(a)(1) which permits closed sessions to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom the Board or Commission has jurisdiction.

Topics discussed during the closed session included specific individuals in the positions of Administrator, Board of Appeals, Auditor, and Hearing Examiner.

The motion to close the session was made by Council Chairman Calvin Ball. His motion was seconded by Courtney Watson.

The roll call vote called on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson

The motion to conduct the closed meeting passed.